

**UNITED STATES DISTRICT COURT**  
 for the  
**Eastern District of Washington**

FILED IN THE  
 U.S. DISTRICT COURT  
**EASTERN DISTRICT OF WASHINGTON**

EMPIRE HEALTH FOUNDATION,  
 for Valley Hospital Medical Center,

\_\_\_\_\_  
 Plaintiff  
 v.  
 THOMAS E. PRICE, M.D., Secretary  
 of the United States Department of  
 Health and Human Services,

*Defendant*

)  
 )  
 )  
 )

Civil Action No. 2:16-CV-209-RMP

SEAN F. McAVOY, CLERK

**Aug 13, 2018**

**JUDGMENT IN A CIVIL ACTION**

The court has ordered that (*check one*):

the plaintiff (*name*) \_\_\_\_\_ recover from the defendant (*name*) \_\_\_\_\_ the amount of \_\_\_\_\_ dollars (\$ \_\_\_\_\_), which includes prejudgment interest at the rate of \_\_\_\_\_ %, plus post judgment interest at the rate of \_\_\_\_\_ % per annum, along with costs.

the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) \_\_\_\_\_ recover costs from the plaintiff (*name*) \_\_\_\_\_.

other: Plaintiff's Motion for Summary Judgment, ECF No. 34, is GRANTED IN PART as to Empire's procedural claims and DENIED IN PART as to Empire's substantive claims, SSI-entitlement assessment claim, and Medicare Part C claim. Defendant's Cross-Motion for Summary Judgment, ECF No. 46, is DENIED. Plaintiff's challenge to the validity of the assessment of Medicare Part C days is remanded to the Provider Reimbursement Review Board. The Secretary is to calculate the Plaintiff Hospital's DSH payment for the 2008 fiscal year and to make prompt payment of any additional amounts due to the Plaintiff Hospital plus interest calculated in accordance with 42 U.S.C. §1395oo(f)(2). For the purposes of assessing the Medicare fraction of the disproportionate patient percentage for the Plaintiff Hospital, the Secretary is enjoined from applying the policy adopted in the 2005 Final Rule that unpaid Medicare Part A days are "days entitled to benefits under [Medicare] part A." Judgment is entered for the PLAINTIFF. The Parties will each bear their own costs.

This action was (*check one*):

decided by Judge Rosanna Malouf Peterson \_\_\_\_\_ on a motion for

Summary Judgment, ECF No. 34 and Cross-Motion for Summary Judgment, ECF No. 46.

Date: 8/13/2018

*CLERK OF COURT*

SEAN F. McAVOY

s/ Lennie Rasmussen

*(By) Deputy Clerk*

Lennie Rasmussen